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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

EDUARDO MARIN,

Defendant and Appellant.

B293242

(Los Angeles County
Super. Ct. No. KA113767)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mike Camacho, Judge. Affirmed.

Kieran D. Manjarrez for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

INTRODUCTION

Defendant Eduardo Marin appeals his convictions for attempted premeditated murder, assault with a deadly weapon, burglary, and misdemeanor child cruelty. Appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm.

FACTS AND PROCEDURAL BACKGROUND

1. Defendant's Attack

Defendant and Ana had a domestic relationship for 16 years, which ended in 2016. They share a son, who lives with Ana and visits Defendant on the weekends. Ana lived in a four-bedroom house with her 10-year-old son, teenage niece, and adult daughter. On October 13, 2016, defendant repeatedly called and texted Ana, accusing her of sleeping with other men. Later that day, at 8:45 or 9:00 p.m., when Ana was lying in bed, defendant suddenly appeared at her bedroom door. He took their 10-year-old son from Ana's bedroom. Defendant then stomped on Ana's cell phone and held a knife to her chest.

Ana's niece, who was sleeping in an adjacent room, heard screaming and came to her aunt's aid with a baseball bat in hand. Ana's daughter also ran to Ana's room. Both the niece and daughter yelled for defendant to leave. Defendant left the bedroom and moved down the hallway to the front door. When defendant reached the front door, he turned around, rushed toward Ana, and stabbed Ana repeatedly. Defendant stabbed Ana in her left leg, left breast, left chest, left forearm, and both hands, 15 in times total.

As the niece hit defendant with the bat in Ana's defense, the daughter tried to pull defendant away from Ana. Defendant stabbed the daughter in her right arm and once in her foot. When defendant stopped stabbing Ana, he turned on the niece

and daughter, who ran and hid. Defendant chased after the niece and then left the home.

Ana's lung was punctured and she was hospitalized for two and a half weeks. In addition to scarring, the wounds left Ana with no movement in her left fingers and with a weak and limping left leg. She wears a brace for her arm and uses a cane. Her daughter required 10 staples to the arm and four stitches to her foot.

2. Charges, Plea Agreement, and Sentencing

On June 1, 2017, the People charged defendant in an information with the following counts: (1) attempted premeditated murder, (2) infliction of spousal injury, (3) assault with a deadly weapon, a knife, (4) assault with a deadly weapon, (5) burglary, (6) misdemeanor child cruelty, and (7) aggravated mayhem. The information alleged defendant personally used a knife and personally inflicted great bodily injury during domestic violence in counts 1 (attempted premeditated murder) and 2 (spousal injury). The People also alleged defendant personally inflicted great bodily injury for both counts 3 (during domestic violence) and 4 (on a non-accomplice).

On June 18, 2017, pursuant to a negotiated disposition and upon advisement of rights and penal consequences, defendant waived trial, stipulated to a factual basis and pled no contest to count 1 for attempted premeditated murder, count 4 for assault with a deadly weapon, count 5 for burglary, and count 6 for misdemeanor child cruelty. Defendant admitted the personal use and personal infliction allegations as charged in count 1.

At sentencing, counts 2, 3 and 7 were dismissed and defendant was sentenced to a total term of 20 years and 6 months to life as follows. He received 13 years to life on count 1 (attempted murder plus enhancements). On counts 4, 5, and 6, the court ordered defendant to serve an aggregate consecutive

determinate term of 7 years and 6 months. The court awarded defendant 779 days presentence credits. The court ordered victim restitution in the amount of \$33,802.82 at 10 percent interest. The court also imposed a restitution fine, a suspended parole revocation fine, court operations assessment fees, criminal conviction assessment fees, a crime prevention fund fine, and penalty assessments.

3. Appeal

On October 9, 2018, defendant filed a timely notice of appeal. On April 18, 2019, his appointed counsel filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436, in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent defendant a letter advising him that such a brief would be filed and that he could file a supplemental brief if he chose to. That same day, this court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief raising any issues he wanted us to consider.

Defendant filed a one-page supplemental letter brief. Within the brief, he asserts that his trial counsel was ineffective. He argues he did not receive “a good deal” and that his counsel forced him to take the plea offer. He also contends he asked the court to fire his counsel but the court rejected that request.

DISCUSSION

We have examined the entire record and are satisfied that defendant’s attorney fully complied with his responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *Wende, supra*, 25 Cal.3d 436.). We observe nothing in the record shows that trial counsel was ineffective. Nor do we find any evidence in the record that defendant asked to fire his counsel. Defendant’s claim of ineffective assistance is speculative. (*People v. Williams* (1997) 16 Cal.4th 153, 266

[speculation does not establish that a defendant received ineffective assistance].)

DISPOSITION

We affirm the judgment.

RUBIN, P. J.

WE CONCUR:

BAKER, J.

MOOR, J.